

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

VERNON ROMEO SPEAR,

Defendant.

CRIMINAL ACTION FILE

NO. 1:13-CR-432-MHC-JSA


ORDER

This action comes before the Court on the Final Report and Recommendation (“R&R”) of Magistrate Judge Justin S. Anand [Doc. 171] recommending that Defendant be found incompetent to stand trial and not restorable, and that he be committed to the custody of the Attorney General for transport to and hospitalization at FMC Butner, or another appropriate Federal Medical Center, so that the Director of the facility can determine whether a formal certification should issue under 18 U.S.C. § 4246. The Order for Service of the R&R [Doc. 172] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. See also FED. R. CRIM. P. 59(a). Counsel for Defendant has filed a “Notice of Intent Not to File Objections to the R&R Regarding Competency to

Stand Trial and Restorability.” [Doc. 173.] Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b)(1), and need only satisfy itself that there is no plain error on the face of the record. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court has reviewed the R&R and finds no clear error and that the R&R is supported by law.

Accordingly, the Court **ADOPTS** the R&R [Doc. 171] as the Opinion and Order of this Court. Defendant is found **NOT COMPETENT TO STAND TRIAL AND NOT RESTORABLE**. It is hereby **ORDERED** that Defendant shall be committed to the custody of the Attorney General for transport to and hospitalization at FMC Butner, or another appropriate Federal Medical Center, so that the Director of the facility can determine whether a formal certification should issue under 18 U.S.C. § 4246.

IT IS SO ORDERED this 5th day of March, 2019.



MARK H. COHEN
United States District Judge